

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
LIONEL MONSANTO	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-cv-147-M-PAS
	)	
STATE OF RHODE ISLAND, et al.,	)	
Defendants.	)	
_____	)	

ORDER

The State brought two motions before the Court in this case: a Motion to Certify a Question to the Rhode Island Supreme Court (ECF No. 30), and a Motion to Stay Proceedings as to Defendant Trooper James Donnelly Taylor's cross- and third-party claims.<sup>1</sup> ECF No. 31.

First, the Court finds that no issue has been presented at this time that requires a certified question. Rhode Island General Laws § 9-31-9 clearly gives the Rhode Island Attorney General the right to "refuse to defend an action" in certain delineated circumstances. The Attorney General has made the determination that circumstances exist that support his decision not to defend or indemnify Trooper Donnelly-Taylor. Trooper Donnelly-Taylor disagrees with the decision and has filed cross-claims and third-party claims in order to resolve the dispute. Those claims will be better resolved, and any legal issues arising from them better framed, after a

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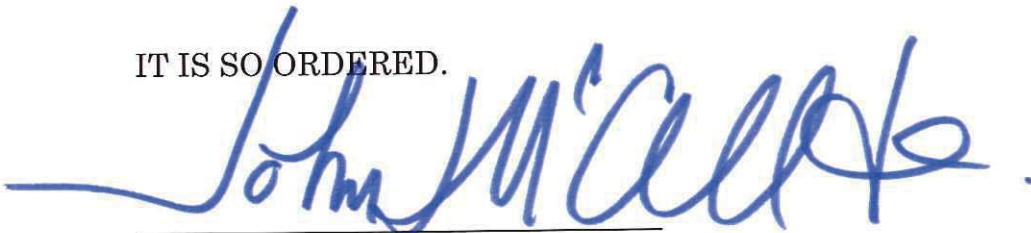
<sup>1</sup> The parties agreed at a hearing on April 7, 2017 that the State's Motion to Stay would apply to Defendant Donnelly-Taylor's Amended Cross-Claims and Third-Party Complaint.

factual record has been established through the litigation and trial of the Plaintiff's direct claims.

Second, the Court finds that discovery and litigation as to the amended cross-claims and third-party claims should be stayed in their entirety. The claims are primarily distinct and unique to Trooper Donnelly-Taylor. Plaintiff Lionel Monsanto's direct claims could be delayed if Trooper Donnelly-Taylor's claims are litigated at the same time. The Court intends to try Mr. Monsanto's claims against all of the Defendants in January 2018 and discovery on Trooper-Donnelly-Taylor's claims will commence immediately thereafter. Therefore, no prejudice will come to Trooper Donnelly-Taylor if his cross and third party claims are temporarily delayed. Let the record be clear though, that in order to allow all parties to enjoy expedient resolutions of their claims, the Court does not intend to extend any of the pre-trial deadlines any further.

The State's Motion to Certify a Question to the Rhode Island Supreme Court (ECF No. 30) is DENIED and the State's Motion to Stay the cross-claims and third-party claims (ECF No. 31) is GRANTED.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "John J. McConnell, Jr.", is written over a horizontal line.

John J. McConnell, Jr.  
United States District Judge

April 7, 2017